

### **REMARKS**

In accordance with the foregoing, claims 13 and 14 have been amended. Therefore, claims 1, 3-6, 8-11, 13, and 14-16 are pending and reconsideration of claims 13 and 14 and consideration of claims 15 and 16 is respectfully requested.

### **ENTRY OF AMENDMENT UNDER 37 C.F.R. §1.116:**

Applicants request entry of this Rule 116 Response because it is believed that the amendment of claims 13 and 14 places this application into condition for allowance and because the amendments should not entail any further search by the Examiner since no new features are being added or no new issues are being raised. The amendments were not earlier presented because the Applicants believed in good faith that the cited prior art did not disclose the present invention as previously claimed.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

### **REJECTIONS UNDER 35 U.S.C. §102:**

Claims 13 and 14 are rejected under 35 U.S.C. §102(b) as being anticipated by Yu et al. (U.S. Patent 6,147,467). However, applicants note that claim 13 has been amended to recite that the controller generates and outputs first and second control values, the second control value being based on estimated control data at a predetermined reproduction speed of the disk and being used to compensate for eccentricity at varying reproduction speeds depending on a phase of the spindle. Further, the claim also recites that a gain/phase adjuster adjusts gain and phase of the second control value output from the controller based on the control data at a reproduction speed of the disk based on frequency response characteristics of the actuator without updating the control data each time the reproduction speed changes. Lastly, the claims recites that a drive signal of the actuator is obtained by summing the first control value and the adjusted second control value.

Similarly, claim 14 has been amended to recite generating and outputting first and second control values, the second control value being based on estimated control data at a

predetermined reproduction speed of the disk and being used to compensate for eccentricity at varying reproduction speeds depending on a phase of the spindle, and adjusting gain and phase of the second control value based on the control data at a reproduction speed of the disk based on frequency response characteristics of the actuator, without updating the control data each time the reproduction speed changes.

Since the newly recited subject matter in these claims has been found to render claims 1 and 9 formally allowable, applicants respectfully assert that claims 13 and 14 are also formally allowable.

**NEWLY ADDED CLAIMS:**

Applicants note that claims 15 and 16 have been added and recite similar subject matter as formally allowed claims 1 and 9 except that claim 15 does not recite that the gain/phase adjuster compensates for gain reduction and phase lag "without updating the control data in the feedforward look-up table each time the reproduction speed changes," and that claim 16 does not recite that the compensating operation is completed without an updating of the control data in the feedforward look-up table each time the reproduction speed changes. Further, applicants respectfully assert that the prior art does not disclose compensating for gain reduction and phase lag with an operation of updating the control data in a feedforward look-up table each time the reproduction speed changes. Therefore, the newly added claims are believed to be allowable.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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Date: May 19, 2005

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